

04-10-00

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 99,089)

PATENT

WP 2731

In re Application of:

Mark O. Vogel

Serial No.: 09/318,460

Filed: May 25, 1999

For: **METHOD FOR DYNAMIC  
PERFORMANCE  
OPTIMIZATION IN A  
DATA-OVER-CABLE SYSTEM**



Examiner: To be Assigned

Art Unit: 2731

MAILED

APR 13 2000

Group 2700

Asst. Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL LETTER

1. We are transmitting herewith the attached papers for the above identified new patent application:
  - 1) Third Supplemental Information Disclosure Statement (IDS) Letter
  - 2) Third Supplemental PTO-Form 1449 including (4 cited references)
  - 3) Copies of IDS Citations for 09/318,460
  - 4) Return Postcard
2. No fee is due.
3. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" and is addressed to Asst. Commissioner for Patents, Washington, D.C. 20231 on this 7<sup>th</sup> day of April 2000.

By: \_\_\_\_\_

Enrique Perez  
Reg. No. 43,853

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Case No. 99,089)

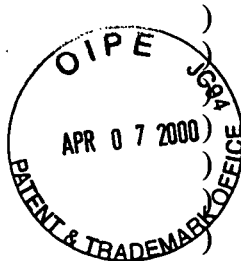
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**THIRD SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT LETTER**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to the duty of disclosure provided by 35 C.F.R. § 1.56 and §§ 1.97-98, the applicants wish to make the following references of record in the above-identified application. Copies of the references are enclosed. Copies are also listed in the PTO-1449 form enclosed herewith. It is requested that the documents be given careful consideration and that they be cited of record in the prosecution history of the present application so that they will appear on the face of the patent issuing from the present application.

Portions of the references may be material to the examination of the pending claims, however no such admission is intended. 37 C.F.R. 1.97 (h). The references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is indented as to the relative importance of any portion of the

references. This Statement is not a representation that the cited references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. sections 102 or 103.

### **CITED REFERENCES**

#### **U.S. Patent Documents**


	<b>Document</b>	<b>Date</b>	<b>Name</b>	<b>Class</b>
1.	5,812,819	September 22, 1998	Rodwin et al.	395
2.	5,974,453	October 26, 1999	Andersen et al.	709
3.	6,009,103	December 28, 1999	Woundy	370
4.	6,013,107	January 11, 2000	Blackshear et al.	703

Respectfully submitted,

**McDonnell, Boehnen, Hulbert & Berghoff**

Date: **April 7, 2000**

by: \_\_\_\_\_

  
Enrique Perez

**Registration No. 43,853**